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Attorneys for Defendant BANK OF
AMERICA CORPORATION

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JANE DOE, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

BANK OF AMERICA CORPORATION.

Defendant

) Case No. 3:14-CV-01613 TEH

) **STIPULATION AND [PROPOSED]**

) **ORDER ENLARGING BRIEFING**

) **SCHEDULE AND CONTINUING**

) **HEARING ON DEFENDANT'S MOTION**

) **TO DISMISS PURSUANT TO FED. R.**

) **CIV. P. 12(B)(7), AND EXTENDING**

) **DEADLINES FOR MEDIATION AND**

) **MOTION FOR CLASS CERTIFICATION;**

) **DECLARATION OF CONNIE K. CHAN**

) **IN SUPPORT THEREOF**

) Civ. L.R. 6-2 and 7-12

) Date: n/a

) Time: n/a

) Courtroom: 12

) Judge: Thelton E. Henderson

1 Plaintiff Jane Doe ("Plaintiff") and Defendant Bank of America Corporation ("Defendant"),
2 herein referred to collectively as the "Parties," by and through their respective attorneys of record,
3 hereby stipulate pursuant to Civil Local Rules 6-2 and 7-12 as follows:

4 WHEREAS, on June 22, 2015, Defendant filed a Motion to Dismiss Plaintiff's Complaint
5 Pursuant to F.R.C.P. 12(b)(7) ("Rule 12(b)(7) motion"), which was noticed for hearing on July 27, 2015;

6 WHEREAS, on July 21, 2015, pursuant to the parties' stipulation, the Court issued an Order (1)
7 extending the parties' deadline to mediate to September 15, 2015; (2) extending the deadline for Plaintiff
8 to file a motion for class certification to November 16, 2015, which was 60 days after the deadline for
9 mediation; (3) extending the deadline for Plaintiff to file an opposition to Defendant's pending Rule
10 12(b)(7) motion to September 29, 2015, which was two weeks after the deadline for mediation; (4)
11 extending the deadline for Defendant to file a reply in support of its Rule 12(b)(7) motion to October 13,
12 2015, which was two weeks after Plaintiff's opposition was due; and (5) setting a hearing on
13 Defendant's Rule 12(b)(7) motion for November 9, 2015 at 10:00 a.m. Dkt. No. 61.

14 WHEREAS, the parties were unable to participate in mediation before September 15, 2015, but
15 are scheduled for mediation with Mediator Michael Loeb on September 22, 2015;

16 WHEREAS, the parties agree that a successful mediation will obviate the need for the parties
17 and the Court to expend additional resources briefing, hearing, and deciding Defendant's motion to
18 dismiss, as well as Plaintiff's anticipated motion for class certification; and

19 WHEREAS, the requested time modification will not affect any other case scheduling deadlines
20 currently set;

21 HENCE, pursuant to Civil Local Rule 6-2, and in the interests of judicial efficiency and
22 economy of resources, the Parties have conferred and hereby stipulate as follows, subject to the Court's
23 approval:
24

- 25 1. The parties' deadline to mediate shall be extended from September 15, 2015 to September
26 29, 2015;

2. Plaintiff's opposition to Defendant's pending Motion to Dismiss Pursuant to FRCP 12(b)(7) shall be due October 13, 2015, which is two weeks after the deadline for mediation;
3. Defendant's reply in support of its Rule 12(b)(7) motion shall be due October 27, 2015;
4. A hearing on Defendant's Rule 12(b)(7) motion shall be set for December 7, 2015 at 10:00 a.m., or as soon thereafter as the Court is available; and
5. Plaintiff's current deadline of November 16, 2015 to file a motion for class certification shall be extended to December 21, 2015, which is two weeks after the proposed hearing on Defendant's Rule 12(b)(7) motion.

DATED: September 10, 2015

By: /s/ Connie K. Chan

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Attorneys for Plaintiff Jane Doe, on behalf of
herself and others similarly situated

DATED: September 10, 2015

By: /s/ Michael D. Mandel

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**DECLARATION OF CONNIE K. CHAN IN SUPPORT OF STIPULATION TO MODIFY
BRIEFING AND HEARING SCHEDULE**

I, Connie K. Chan, declare as follows:

1. I am a member in good standing of the bar of the State of California and am one of the counsel of record for Plaintiff in the above-captioned case. I make this declaration in support of the parties' stipulated request to extend the briefing and hearing schedule on Defendant's pending motion to dismiss pursuant to FRCP 12(b)(7). The facts set forth in this declaration I know to be true of my own personal knowledge, except as those matters which are alleged on information and belief, and as to those matters I believe them to be true. I could and would competently testify as to all such matters, if called upon to do so.

2. Following an initial case management conference held on August 25, 2014, the Court issued a case scheduling order setting, among other dates, a fact discovery cutoff of February 1, 2016, a February 22, 2016 deadline to file dispositive motions, and a May 17, 2016 trial date.

3. On February 17, 2015, pursuant to the parties' stipulation made in light of ongoing mediation efforts, the Court issued an order extending the deadline for Plaintiff to file a motion for class certification from March 10, 2015 to August 3, 2015.

4. On July 2, 2015, pursuant to the parties' stipulation, the Court issued an order extending the briefing deadlines and hearing on Defendant's Motion to Dismiss Plaintiff's Complaint Pursuant to F.R.C.P. 12(b)(7), filed June 22, 2015 ("Rule 12(b)(7) motion").

5. On July 21, 2015, pursuant to the parties' stipulation, the Court issued an Order (1) extending the parties' deadline to mediate to September 15, 2015; (2) extending the deadline for Plaintiff to file a motion for class certification to November 16, 2015, which was 60 days after the deadline for mediation; (3) extending the deadline for Plaintiff to file an opposition to Defendant's pending Rule 12(b)(7) motion to September 29, 2015, which was two weeks after the deadline for mediation; (4) extending the deadline for Defendant to file a reply in support of its Rule 12(b)(7) motion to October 13, 2015, which was two weeks after Plaintiff's opposition was due; and (5) setting a hearing on Defendant's Rule 12(b)(7) motion for November 9, 2015 at 10:00 a.m.

6. To my knowledge, there have been no other previous time modifications in this case.

8. The parties agree that the interests of judicial efficiency and economy of resources will be best served by continuing the deadline for Plaintiff's motion for class certification and the deadlines for briefing and hearing Defendant's pending motion to dismiss until a reasonable time after the parties' rescheduled mediation.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed at San Francisco, California, on September 9, 2015.

5

STIPULATION AND [PROPOSED] ORDER EXTENDING BRIEFING AND HEARING SCHEDULE

Case No. 3:14-CV-01613-TEH


PROPOSED ORDER

Pursuant to the Parties' stipulation and for good cause shown, the Court hereby orders as follows:

1. The parties' deadline to mediate shall be extended from September 15, 2015 to September 29, 2015;
2. Plaintiff's opposition to Defendant's pending Motion to Dismiss Pursuant to FRCP 12(b)(7) shall be due October 13, 2015, which is two weeks after the deadline for mediation;
3. Defendant's reply in support of its Rule 12(b)(7) motion shall be due October 27, 2015;
4. A hearing on Defendant's Rule 12(b)(7) motion shall be set for December 7, 2015 at 10:00 a.m., or as soon thereafter as the Court is available; and
5. Plaintiff's current deadline of November 16, 2015 to file a motion for class certification shall be extended to December 21, 2015, which is two weeks after the proposed hearing on Defendant's Rule 12(b)(7) motion.

IT IS SO ORDERED.

Dated: 09/15/2015



Hon. Thelton E. Henderson
UNITED STATES DISTRICT JUDGE